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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,844	04/02/2001	Sailaja S.K. Attili	CSCO-007/92821	1164

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EXAMINER

STRANGE, AARON N

ART UNIT	PAPER NUMBER
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2153

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/824,844	Applicant(s) ATTILI ET AL.	
	Examiner Aaron Strange	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14-21, 23-35 and 37-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 3-10, 12, 14-21, 23-26, 28-33, 35 and 37-45 is/are allowed.
- 6) ☒ Claim(s) 11 and 27 is/are rejected.
- 7) ☒ Claim(s) 2 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The declaration filed on 1/27/2006 (in combination with the declarations previously filed) under 37 CFR 1.131 is sufficient to overcome the Barrett (US Patent Application Publication 2003/0135644) reference.

Response to Arguments

2. Applicant's arguments, see pages 17-19 of Remarks, filed 1/27/2006, with respect to Wang (US 6,538,997) have been fully considered and are persuasive. The rejection of claims 1-7,9-13,17-22,26-32,39,42, and 44 has been withdrawn.

Claim Objections

3. Claims 2 and 27 are objected to because of the following informalities:
 - a. With regard to claim 2, there appears to be a typographical error "said method further comprises" in line 2. The Examiner recommends that the claim be amended to recite "said method further comprising", "wherein said method further comprises", or a similar recitation.
 - b. Claim 27 recites "The computer readable medium...further comprising", but then list steps of a method. A computer readable medium cannot comprise method steps. The Examiner recommends that the claims be amended to recite "The computer readable medium...further comprising one or more sequences of

instructions for", or a similar recitation in order to be consistent with the language of claim 26.

Appropriate correction is required.

4. Applicant is respectfully requested to review the present claims for any additional formal matters that may have been overlooked by the Examiner, and correct any identified issues in response to this action.

5. Claim 34 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

6. With regard to claim 34, the limitation "wherein said network is implemented using Ethernet 802.3 protocol and said request packet and said response packet are generated consistent with UDP/IP protocol" fails to further limit the computer readable medium of claim 33,32 or 26, from which claim 34 depends. The claim merely describes characteristics of a system that the computer readable medium interacts with, and fails to materially affect the computer readable medium or the instructions stored thereon.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

9. With regard to claim 11, the limitation "wherein said sending receiving, and repeating" is unclear. Claim 1, from which claim 11 depends, contains 2 receiving steps beginning in lines 6 and 10, respectively.

10. With regard to claim 27, the limitation "wherein said receiving device is not directly connected to said first layer-2 device" is unclear. It is unclear how this limitation materially affects the instructions on the computer readable medium recited in claim 26 or the instructions which follow it in claim 27. Accordingly, it is unclear what Applicant intends to claim with this limitation.

Allowable Subject Matter

11. Claims 1-12, 14-21, 23-35, and 37-45 are allowable over the prior art of record.


Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron Strange whose telephone number is 571-272-3959. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AS
3/30/2006



KRISNA LIM
PRIMARY EXAMINER